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In re Application of :
KORDES, Markus et al. :
U.S. Application No.: 10/583,710 :
PCT No.: PCT/EP2004/014623 :
International Filing Date: 22 December 2004 : DECISION
Priority Date: 23 December 2003 :
Attorney's Docket No.: BASF.10158WOUS :
For: 1-(AZOLIN-2-YL) AMINO ... :
ARACHNIDS AND NEMATODES :

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 03 October 2007.

BACKGROUND

On 22 December 2004, applicant filed international application PCT/EP2004/014623, which claimed a priority date of 23 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB") on 14 July 2005. The deadline for entry into the national stage in the US was 23 June 2006.

On 20 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a declaration of the inventors and an express request to commence national phase examination procedures.

On 22 March 2007, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 20 June 2006 and a date for all 35 USC 371 requirements of 23 June 2006.

On 03 October 2007, applicant filed this petition to correct the Notice of Acceptance.

DISCUSSION

The Notification of Acceptance mailed 22 March 2007, indicated that all 35 USC 371 requirements were satisfied on 23 June 2006, the expiration of 30 months from the priority date. However, applicant filed an express request to commence national stage examination procedures on 20 June 2006. As such, 20 June 2006 should be the date for all 35 USC 371 requirements. MPEP 1893.03(b).

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 22 March 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903). The application has a date of 20 June 2006 for all 35 USC 371 requirements.

/Erin P. Thomson/

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